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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,214	01/02/2004	Darrin D. Monroe	CS22687US	1170
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Randi L. Karpinia Motorola, Inc. Law Department 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			EXAMINER GONZALEZ, ANGEL F	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/751,214

### Applicant(s)

MONROE ET AL.

### Examiner

Angel F. Gonzalez

### Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The reference listed on the Information Disclosure Statement (IDS) submitted on January 02, 2004 has been considered by the examiner (see attached PTO-1449).

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 9-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kagle (U.S. Patent Number 6,148,149).

As to claim 1, Kagle (Fig. 1) discloses a method of operation within an electronic device (10) comprising the steps of:

capturing an image (see col. 2, lines 37-40);

determining an orientation of the image (see col. 4, lines 10-16 and orientation sensor in Fig. 4)

changing the orientation of the image to create a rotated image (see col. 3, lines 38-40 and orientation sensor in Fig. 4);

and displaying the rotated image (see col. 4, lines 9-20).

As to claim 2, Kagle discloses a method of operation as defined in claim 1 further comprising the step of:

receiving a user input for image capture prior to the capturing step (see col. 3, lines 2-5 and trigger button (14)).

As to claim 3, Kagle discloses a method of operation as defined in claim 1, wherein the determining step comprises the steps of:

determining the tilt of the electronic device using a sensor (see col. 4, lines 41-43);

and using the tilt to determine the orientation of the image (see col. 4, lines 44-50).

As to claim 4, Kagle discloses a method of operation as defined in claim 1, wherein the orientation is determined in the determining step using image recognition means (i.e. microcontroller 16, determines the orientation based on predetermined pixel value arranged in specific order) (see col. 3, lines 10-18).

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As to claim 5, Kagle discloses a method of operation as defined in claim 1, further comprising the step of:

accepting the orientation of the image after the determining step (see Fig. 5 steps 102 and 104).

As to claim 7, Kagle discloses a method of operation as defined in claim 5, wherein the accepting step comprises:

comparing the orientation to a pre-programmed set of parameters or instructions (e.g. predefined standard format) (see col. 3, lines 18-29)

As to claim 9, Kagle discloses a method of operation as defined in claim 1, wherein the changing step comprises the steps of:

determining an orientation rotation using a predetermined set of instructions or calculations (i.e. microcontroller 16, determines the orientation ) (see col. 4, lines 1-6);

and changing the orientation using the orientation rotation (see col. 4, lines 6-9).

As to claim 10, Kagle discloses a method of operation as defined in claim 1, further comprising the step of:

storing the image along with the orientation rotation (see (20) and col. 3, lines 41-49).

As to claim 11, Kagle discloses an electronic device comprising:

an image capturing means for capturing an image (see col. 2, lines 37-40);

a sensor (30) for determining an orientation of the image;

an image manager coupled to the image capturing means and the sensor, wherein the image manager is adapted to change the orientation of the image to create a rotated image (see microcontroller/processor 16 in Fig. 4, col. 3, lines 56-67 and step 104 in Fig. 5);

and a display coupled to the image manager for displaying the rotated image (see col. 3, lines 56-67 and step 104 in Fig. 5).

As to claim 12, Kagle discloses an electronic device as defined in claim 11, further comprising:

a memory coupled to the image manager for storing the image and the orientation (see volatile memory (20) and removable memory (22) in Fig. 4).

As to claim 14, Kagle discloses an electronic device as defined in claim 11, wherein the image manager is further adapted to:

determine an orientation rotation using a predetermined set of instructions or calculations (i.e. microcontroller 16, determines the orientation) (see col. 4, lines 1-6);

and change the orientation using the orientation rotation (see col. 4, lines 6-9).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagle in view of Woodworth (U.S. Patent No. 6,999,124).

As to claims 6, 8, and 13 in the above claims Kagle teaches a digital camera equipped with a sensor that indicates orientation (30) at the time of capture and corrects orientation according to a predefined digital format. However, Kagle does not teach users input such that the user can accept the orientation or change the orientation that is showed on a display.

In the same field of endeavor, Woodworth teaches a digital camera (Fig. 5) that allows the user to confirm or change the orientation of a digital image (see col. 5, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the teaching of the user option to accept and/or subsequently change the orientation as shown on a display as taught by Woodworth and incorporated these features with the digital camera with automatic orientation detection as taught by Kagle. The motivation to do so would be to give the user the option of orienting a digital image on a display of a digital imaging device with minimal action by a viewer, thereby providing intuitive for a casual user of the digital image device (see col. 1, lines 42-45).

### ***Conclusion***

1. The prior art made of record and relied upon is considered pertinent to applicant's disclosure.

Mitsui et al. (U.S. Patent 7,148,911) is cited to teach an video telephone apparatus where the orientation of a picked up image or a received image can be changed accordingly to the orientation of the image pick up section or the display.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel F. Gonzalez whose telephone number is 571-272-1702. The examiner can normally be reached on Monday - Friday, 07:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Angel F. Gonzalez  
5/14/07

  
CHANH D. NGUYEN  
SUPERVISORY PATENT EXAMINER